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October 30, 2008

Hon. Viktor V. Pohorelsky  
United States Magistrate Judge  
United States District Court – EDNY  
225 Cadman Plaza East  
Brooklyn, New York 11201  
*VIA ECF*

**Re: Bielski et al. v. Royal Plumbing & Heating Corp. et al.  
Docket: 06 cv 6542 (BMC)(VVP)**

Dear Judge Pohorelsky,

I represent Plaintiffs in the above matter. Plaintiffs and Defendants respectfully make a joint request that this Court transform the upcoming settlement conference, scheduled for November 3, 2008, into an in-person status conference. The parties wish to present their progress in the settlement negotiations and to request the Court's input on how to proceed further.

The parties make this request for the following reasons. First, Defendants were only recently able to provide Plaintiffs with the contract specifications and drawings, which were documents requested by the Plaintiffs' potential expert. Further, twelve (12) new persons are attempting to join this lawsuit and Plaintiffs provided updated calculations for all parties, Plaintiffs and proposed Plaintiffs, with the exception of a few potential Plaintiffs who very recently evidenced a desire to join this lawsuit. Plaintiffs' expert, Glenn Pannenberg will shortly calculate the damages of the most recent proposed Plaintiffs. Finally, Mr. Pannenberg has been able to refine his methodology and the most recent calculations have allowed the parties to substantially narrow the gap between the parties and engage in more substantive negotiations.

Accordingly, both parties feel that Your Honor's time would be used more efficiently if the conference on November 3, 2008 were a status conference rather than a settlement conference.

Thank you for your attention to the above.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Robert Wisniewski (RW-5308)

